REMARKS

Claims 1-8 and Claims 27 – 30 are now pending in the application. The Final Office Action of April 14, 2004 has been carefully considered. Claims 1-8 have been amended to recite the insulation attributes of the material of the present invention. Support for these amendments can be found in the Specification page 2 lines 6 – 9, page 7 line 23 through page 8 line 10, and page 10 lines 13 – 23. New Claims 27 – 30 have been added to further define aspects of the present invention for which the Applicant believes is patentable. Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, Applicant gratefully acknowledges Examiner Savage's comments during a telephonic interview granted by the Examiner and conducted on July 8, 2004. During the interview, differences between the claimed invention and the devices disclosed in the reference applied in the Final Official Action were discussed. These distinctions are summarized in the following discussion of the cited reference.

Applicant requests that the Examiner consider the above amendments and the following remarks, and place the application in condition for allowance.

Rejections Under 35 USC § 102

The invention as claimed Ragland '701 relates to a heat distributing device which includes a heat source encapsulated in a stack of layers of metal foil. (See Ragland '701 at Col. 1 lines 35 – 38). Furthermore, Ragland '701 actually emits heat from a

concentrated source within the stack and distributes it evenly throughout the device. (See Ragland '701 at Col. 3, lines 21 – 27). Moreover, review of the claims of Ragland '701 show that a heat source is an essential element of the invention.

Contrast to the present invention, Applicant's invention is directed towards applications such as thermal insulation, acoustic insulation, material storage, material transport and other uses. (See Specification at page 3, lines 17 -20). Thus, rather than emitting heat as claimed by Ragland '701, Applicant's invention is directed towards insulating various different types materials from a heat source. (See Specification page 3, line 22 through page 4, line 10). Having a heat source within as Ragland '701 describes would frustrate the present invention's thermal insulation properties.

In the Final Office Action, Examiner states that the heat source of Ragland '701 would meet the broad limitation of 'material' which is contained within the compartments between the bottom and upper sheets and thereby anticipated by Ragland under 35 U.S.C. 102(b). However, in accordance to the amendments made to the claims and for reasons stated above, the present application is distinguishable and patenable over Ragland '701.

Applicant submits that Claims 2 – 5 and Claims 7 – 8 are allowable as dependent claims for the reasons stated above with regard to the independent claim from which they depend.

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the rejection under § 102 has been obviated. It is believed that this amendment puts this application in condition for allowance, consequently, allowance of Claims 1-8 and Claims 27-30. It is respectfully submitted that Claims 1-8 and Claims 27-30 are presently in condition for immediate allowance, and such action is requested. If, however, any matters remain that could be clarified by Examiner's Amendment, the Examiner is cordially invited to contact the undersigned by telephone at the number below.

Respectfully, submitted,

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